

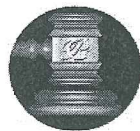
# Case: Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.

4:12-cv-02333HEA

Transcript of: Shell Sharp

**Date:** April 9, 2014

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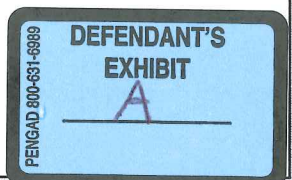
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<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al. Shell Sharp April 9, 2014</p> <p>1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION</p> <p>MICHAEL HOLMES,</p> <p>Plaintiff,</p> <p>vs. No. 4:12-cv-02333HEA</p> <p>BOARD OF POLICE COMMISSIONERS OF THE CITY OF ST. LOUIS, et al.,</p> <p>Defendants.</p> <p>Deposition of SHELL SHARP Taken on Wednesday, April 9, 2014</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al. Shell Sharp April 9, 2014</p> <p>3</p> <p>1 APPEARANCES OF COUNSEL:</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 Richard K. Dowd, Esq.</p> <p>5 Dowd &amp; Dowd, P.C.</p> <p>6 211 North Broadway - Suite 4050</p> <p>7 St. Louis, Missouri 63102</p> <p>8 (314) 621-2500</p> <p>9 rdowd@dowdlaw.net</p> <p>10</p> <p>11 FOR DEFENDANT SHELL SHARP:</p> <p>12 Philip Sholtz, Esq.</p> <p>13 State of Missouri</p> <p>14 Attorney General's Office</p> <p>15 815 Olive Street - 2nd Floor</p> <p>16 P.O. Box 861</p> <p>17 St. Louis, Missouri 63188</p> <p>18 (314) 340-7827</p> <p>19</p> <p>20 FOR DEFENDANT VINCENT CARR:</p> <p>21 H. Anthony Relys, Esq.</p> <p>22 State of Missouri</p> <p>23 Attorney General's Office</p> <p>24 815 Olive Street - 2nd Floor</p> <p>25 P.O. Box 861</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>
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<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>5</p> <p>1 CERTIFIED QUESTIONS</p> <p>2</p> <p>3 Page No. 59 Line No. 4</p> <p>4 Q. Who was the confidential informant that gave</p> <p>5 you this information about Cates?</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Gore Perry Reporting and Video 314-241-6750</p> <p>www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>7</p> <p>1 SHELL SHARP,</p> <p>2 of lawful age, having been first duly sworn to testify</p> <p>3 the truth, the whole truth, and nothing but the truth</p> <p>4 in the case aforesaid, deposes and says in reply to</p> <p>5 oral interrogatories propounded as follows, to wit:</p> <p>6 EXAMINATION</p> <p>7 QUESTIONS BY MR. DOWD:</p> <p>8 Q. Can you state your name for the record.</p> <p>9 A. Shell Sharp.</p> <p>10 Q. Mr. Sharp, my name's Richard Dowd. As you</p> <p>11 know, I'm gonna be asking you some questions this</p> <p>12 afternoon. If I at any time ask you a question you</p> <p>13 don't both hear and understand would you ask me to</p> <p>14 repeat until you do both hear and understand it?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever had your deposition taken</p> <p>17 before?</p> <p>18 A. I don't think so.</p> <p>19 Q. Okay. There's some basic rules. One is you</p> <p>20 have to answer verbally. You can't shake your head no</p> <p>21 or yes.</p> <p>22 A. Okay.</p> <p>23 Q. And the other thing is uh-uh and uh-huh does</p> <p>24 not come out well in a transcript. It's hard to</p> <p>25 determine whether it's a positive or negative</p> <p>Gore Perry Reporting and Video 314-241-6750</p> <p>www.goreperry.com</p>
<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>6</p> <p>1 INDEX PAGE</p> <p>2 Examination by Mr. Dowd 7</p> <p>3</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 (No exhibits marked.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Gore Perry Reporting and Video 314-241-6750</p> <p>www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>8</p> <p>1 response. Is that all fair enough?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And if I remind you of those things</p> <p>4 I'm not being rude, I just want to make sure the</p> <p>5 record is clear.</p> <p>6 A. Okay.</p> <p>7 Q. Where do you live?</p> <p>8 MR. SHOLTZ: Object. You represent</p> <p>9 convicted felons and it's a closed record in the</p> <p>10 Missouri statutes right now. I represent Officer</p> <p>11 Sharp. If at any time I withdraw and he's not</p> <p>12 represented by counsel we can work that out at that</p> <p>13 point.</p> <p>14 MR. DOWD: Okay. You're instructing him not</p> <p>15 to answer the question?</p> <p>16 MR. SHOLTZ: I am.</p> <p>17 MR. DOWD: Okay.</p> <p>18 Q. (By Mr. Dowd) What do you do for a living</p> <p>19 at this time?</p> <p>20 A. I'm a hospital tech.</p> <p>21 Q. A hospital tech?</p> <p>22 A. Yes, sir.</p> <p>23 Q. What kind of technician are you?</p> <p>24 A. Just like -- we provide equipment to the</p> <p>25 hospital, like IV pumps, SCDs, beds.</p> <p>Gore Perry Reporting and Video 314-241-6750</p> <p>www.goreperry.com</p>

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1 Q. You work for a company that sells that  
2 equipment to hospitals?

3 A. They rent them like.

4 Q. I gotcha. Okay. How long you been doing  
5 that?

6 A. A year.

7 Q. What did you do before that?

8 A. I moved jobs.

9 Q. Okay.

10 A. I worked at the workhouse for about a year.

11 Q. As a CO?

12 A. Yes, sir. I worked security for Allied  
13 Barton for like three years.

14 Q. How about before that?

15 A. That was it. I was a police officer.

16 Q. Okay. And what year did you leave the  
17 police department?

18 A. 2009.

19 Q. Okay. Let's go back to the beginning.  
20 Where were you born and raised?

21 A. St. Louis, Missouri.

22 Q. Okay. And what neighborhoods did you grow  
23 up in?

24 MR. SHOLTZ: Object to relevance. Go ahead.

25 Q. (By Mr. Dowd) You can answer.

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1 Q. And what did you do when you graduated  
2 college?

3 A. I applied for the police force but they  
4 wasn't hiring at the time so I joined the Marine  
5 Corps.

6 Q. Okay. How many years did you serve in the  
7 Marines?

8 A. I did two years. I got out on a hardship  
9 discharge. My mother became ill.

10 Q. What rank did you attain?

11 A. Corporal.

12 Q. What was your specialty in the Corps?

13 A. I was an administration clerk. Admin.

14 Q. Honorably discharged?

15 A. Yes, sir, I was.

16 Q. What did you do when you left the Marine  
17 Corps?

18 A. I worked security for Wells Fargo for a year  
19 I guess and then I got on the police department.

20 Q. Can you tell us why you were rated at Wells  
21 Fargo as "fair" with regard to honesty?

22 MR. SHOLTZ: Objection. Speculation.  
23 Foundation. You can answer if you know.

24 A. I never knew.

25 Q. (By Mr. Dowd) Okay.

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1 A. South St. Louis. We lived on North Grand,  
2 Sullivan and Grand for a little while.

3 Q. Okay.

4 A. Then we --

5 Q. Where'd you go to grade school?

6 A. L'Ouverture. South St. Louis.

7 Q. Okay. And high school?

8 A. Sumner. Well, I went one year at McKinley,  
9 then I went three years at Sumner.

10 Q. What'd you do when you left high school?  
11 Did you -- you graduated from high school?

12 A. Yes, I did.

13 Q. Yeah.

14 A. I had a scholarship to Missouri Southern  
15 State to play football.

16 Q. Missouri Southern State?

17 A. Down in Joplin.

18 Q. Oh, okay.

19 A. Joplin, Missouri.

20 Q. How long did you attend Missouri Southern?  
21 A. Five years.

22 Q. And you got your degree?

23 A. Yes, sir, I did.

24 Q. Was that in criminal justice?

25 A. Yes, sir, it was.

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1 A. I never knew nothing about that.

2 Q. Okay. You didn't see where they sent a  
3 document to the police department stating that you  
4 were ranked as "fair" with regard to honesty?

5 MR. SHOLTZ: Same objections.

6 A. No, I never --

7 Q. (By Mr. Dowd) Is this the first you've  
8 heard of it?

9 A. Yeah. First.

10 Q. Okay. Did you have any problems at Wells  
11 Fargo?

12 A. No. I was a supervisor there.

13 Q. Okay.

14 A. I was evening shift supervisor.

15 Q. How many people did you supervise?

16 A. Approximately ten people.

17 Q. And what facilities were they providing  
18 security?

19 A. I was at Deaconess Hospital.

20 Q. All right. And who were your supervisors at  
21 Wells Fargo?

22 A. Dennis Wilkerson was the immediate  
23 supervisor.

24 Q. Anyone else that you can recall from when  
25 you worked there?

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1 A. There was a guy named Les. I don't remember  
2 his last name. But Dennis was the -- was the boss.

3 Q. Okay. And what -- how long were you with  
4 Wells Fargo?

5 A. About a year.

6 Q. Then you got on the department?

7 A. Yes, sir.

8 Q. And were you at Deaconess the entire year?

9 A. I was on the parking lot for a little while.

10 Q. Right.

11 A. It was a truck lot and I was set at the gate  
12 where the trucks entered and exited the lot.

13 Q. Okay. And you went on the department in  
14 '90?

15 A. '89.

16 Q. '89. As a probationary officer?

17 A. Yes, sir, I was.

18 Q. What district were you assigned to?

19 A. First District.

20 Q. And who was your partner?

21 A. I didn't have a partner.

22 Q. No partner? Why was that?

23 MR. SHOLTZ: Speculation. Go ahead.

24 Q. (By Mr. Dowd) You were a patrolman; right?

25 A. Yes.

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1 and the other young black recruits that were over  
2 there, we patrolled the parks at First.

3 Q. Okay. What park were you patrolling in the  
4 First?

5 A. We patrolled all the Parks in the First  
6 District.

7 Q. Okay.

8 A. We went from park to park.

9 Q. Okay. I'm just -- I'm trying to find out  
10 what parks.

11 A. It was Carondelet Park, it was -- man, I  
12 can't remember the names. Bellerive Park right there  
13 off Broadway.

14 Q. Okay.

15 A. And there was -- I forget the park off of  
16 Gravois, just --

17 Q. Who was your supervisor back then?

18 A. Oh, man. I don't recall his name. I really  
19 don't. I know --

20 Q. Was he white?

21 A. Yes. I know his face but I can't recall his  
22 name.

23 Q. So you had a foot beat where you just walked  
24 from -- walked the parks and then you would drive to  
25 the next park?

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1 Q. Okay. And you were in a patrol car and --

2 A. Yes.

3 Q. And you patrolled alone?

4 A. Yes.

5 Q. Do you know why that was?

6 MR. SHOLTZ: Speculation. Go ahead.

7 A. I don't want to say nothing bad or negative  
8 towards the department; so...

9 Q. (By Mr. Dowd) Well, that's okay. You have  
10 to.

11 A. I have to?

12 Q. Yeah. You're here to tell -- you're here to  
13 answer my questions and tell the truth so even if it's  
14 painful --

15 A. Back then it was --

16 MR. SHOLTZ: Hold on a second. Let him ask  
17 a question.

18 Q. (By Mr. Dowd) Why was it that you weren't  
19 assigned a partner as a probationary officer in '89 --

20 MR. SHOLTZ: Objection. Speculation.

21 Q. (By Mr. Dowd) -- in the First District?

22 A. Back then it was a little racist, little  
23 prejudiced.

24 Q. Okay.

25 A. I was assigned to, like, a foot beat. Me

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1 A. We didn't have a car.

2 Q. Okay.

3 A. We caught the bus or we walked from -- on  
4 the foot beat.

5 Q. You had a radio?

6 A. Yes.

7 Q. And what was your primary detail at that  
8 time?

9 A. I mean, make sure everybody was safe and  
10 securing the parks, and there was a lot of  
11 homosexuality going on in the parks. We cleared out  
12 the bathrooms and stuff like that.

13 Q. I gotcha. Was there drug dealing going on  
14 in the parks?

15 MR. SHOLTZ: Objection. Speculation.

16 A. I'm not sure. Probably was. I'm not --

17 Q. (By Mr. Dowd) None that you became aware of  
18 during your patrols?

19 A. No, sir.

20 Q. What was your next -- well, how long did you  
21 remain in that assignment, in the foot patrol?

22 A. I'm guesstimating six months, you know,  
23 like...

24 Q. What was your next assignment?

25 A. I was in the car, patrolling the First

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- 1 District.
- 2 Q. Were you still a probationary officer?
- 3 A. You know, after one year I became a PO.
- 4 Q. Okay. But that six months that you were on
- 5 foot patrol --
- 6 A. Yeah, I was PO.
- 7 Q. Okay.
- 8 A. PPO. Probationary officer.
- 9 Q. Okay. So you had six months more to go?
- 10 It's a year that you're a probationary officer?
- 11 A. I think so, yes, sir.
- 12 Q. Okay. So when you were put in a -- in a
- 13 patrol car, who was your partner?
- 14 A. I didn't have a partner.
- 15 Q. Still no partner?
- 16 A. We was -- I rode with a older guy named
- 17 Jimmy Smith for a while and he was like -- I'd say he
- 18 was a older guy. He was probably 60. He didn't -- he
- 19 don't want to do too much, just write tickets.
- 20 Q. Speeding and that type of thing?
- 21 A. Yeah. We sit at the red light or the no
- 22 right on red turn.
- 23 Q. Okay.
- 24 A. You know, answer radio assignments.
- 25 Q. How long did you do that?

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- 1 A. It wasn't -- we wasn't partners per se.
- 2 Like when the shift start if they needed a two-man car
- 3 they would put, you know, two people in the car. You
- 4 know what I mean?
- 5 Q. Yeah.
- 6 A. Like each platoon had a couple of two-man
- 7 cars so they would say "you and you ride." I was
- 8 speaking with a white officer once and he told me he
- 9 wanted to be my partner -- that's why I said it was
- 10 prejudice -- and he was told by the sergeant that --
- 11 that the blacks stay with the blacks and the whites
- 12 stay with the whites. So when -- when it was paired
- 13 up I would ride with a black officer and when it
- 14 wasn't, you'd be a one-man car.
- 15 Q. Okay. At what point does the department
- 16 actually assign two officers as partners?
- 17 MR. SHOLTZ: Objection. Speculation.
- 18 Q. (By Mr. Dowd) Or how does that work?
- 19 MR. SHOLTZ: Vague as to time period. You
- 20 can go ahead.
- 21 A. I'm not sure. It's like -- like you -- you
- 22 friends with this guy and you go to the supervisor and
- 23 say "I want to ride with him," I guess.
- 24 Q. (By Mr. Dowd) Okay. Did you ever do that?
- 25 A. No, sir.

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- 1 A. A few months I think.
- 2 Q. And what was your next assignment?
- 3 A. I still was in the district but --
- 4 Q. Still in the First?
- 5 A. Yes, sir.
- 6 Q. And what did they assign you to?
- 7 A. I was like in a radio car, just -- we
- 8 rotated areas like --
- 9 Q. I see.
- 10 A. Yes.
- 11 Q. Assigned to different areas to patrol?
- 12 A. Yes, like -- like, you know, you do three
- 13 days on this area, like on this end of the district
- 14 and then the other platoon would be off or come on,
- 15 then we would switch to the other end of the district
- 16 for like three days.
- 17 Q. Okay. And was Officer Smith your partner
- 18 throughout that time?
- 19 A. No, sir, he wasn't.
- 20 Q. Okay. Who was your next partner?
- 21 A. It was mostly I rode by myself but sometimes
- 22 I rode with Julius Conners.
- 23 Q. Was he an African-American officer?
- 24 A. Yes, sir, he was.
- 25 Q. And how long were you with Officer Conners?

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- 1 Q. Did you ever have somebody you would
- 2 classify as a partner?
- 3 A. Not in the First, no, sir.
- 4 Q. Okay. What did you do after the First?
- 5 A. I went to -- I was detached to the SCAT
- 6 unit.
- 7 Q. The SCAT?
- 8 A. Street Corner Apprehension Team.
- 9 Q. Okay.
- 10 A. Like in '91.
- 11 Q. And who did you work with there?
- 12 A. Different people. It was -- Sergeant Ron
- 13 Klein was the supervisor and --
- 14 Q. How long were you there?
- 15 A. 18 months.
- 16 Q. Where'd you go next? Do you know
- 17 approximately what year that was?
- 18 A. '92. I went back to the -- I went back to
- 19 the First for about a -- about a couple weeks, then I
- 20 was transferred into Narcotics.
- 21 Q. You requested that transfer to Narcotics?
- 22 A. They transferred me.
- 23 Q. But you did file the request, correct?
- 24 A. I'm not sure. I'm not sure. They just --
- 25 they liked what I did in SCAT and they -- the colonel

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1 called and asked me to -- did I want to come down.

2 Q. Who was it? Colonel who?

3 A. Oh, man. I can't remember his name.

4 Q. I thought -- oh, you just said "colonel"?

5 A. Yeah, it was a colonel.

6 Q. Okay.

7 A. When I was in First District a friend of  
8 mine that was in the academy class with me, Pernell  
9 Witherspoon, was assaulted while he was in the SCAT  
10 unit. The colonel -- man, I can't think of the name.  
11 He asked Pernell -- because it was said that he didn't  
12 have the proper protection and backup. He asked him  
13 to pick some guys he wanted to be down there so he  
14 picked me and a couple other guys and I was in the  
15 SCAT unit and it's usually like a 60-day detail,  
16 whatever --

17 Q. Okay.

18 A. -- and then they rotate people in and out of  
19 there so if they want to get fresh -- fresh people in  
20 there, but I ended up staying like 18 months. And  
21 then when a opening became available they transferred  
22 me to Narcotics.

23 Q. You were asked to come to Narcotics?

24 A. I think so.

25 Q. By this colonel?

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1 A. No. He was in charge of the detectives at  
2 the time but I'm not sure. Joachimstaler was the  
3 captain of Narcotics and I think he helped get me down  
4 there.

5 Q. In Narcotics are you assigned a partner?

6 A. At first I wasn't. I was -- when I was  
7 assigned to Narcotics I was a member of the undercover  
8 crew. We didn't have partners.

9 Q. And what did you do in the undercover crew?

10 A. I bought dope.

11 Q. How would you -- how would you locate the  
12 sellers of dope?

13 A. How would I locate them?

14 Q. Yeah.

15 A. We would go off informants and actually guys  
16 from jail would call and give up information that  
17 people was trying to work off cases and different  
18 detectives who had informants that wanted to introduce  
19 you to narcotic dealers.

20 Q. They would introduce you to these -- the  
21 detectives would introduce you to the confidential  
22 informants?

23 A. Yes, sir. Then the informant would  
24 introduce me to the drug dealers.

25 Q. What were your procedures for documenting

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1 informants?

2 MR. SHOLTZ: Objection. Vague as to time  
3 period.

4 Q. (By Mr. Dowd) We're talking about 1992;  
5 correct?

6 A. Yes, sir.

7 Q. Okay.

8 A. Yes, when I went to Narcotics. Yes.

9 Q. Okay. What was -- what was the procedure  
10 for documenting informants?

11 A. I'm not really sure because, like I said, I  
12 was -- I was buying dope and I never really had an  
13 informant and then I think -- the procedure I think --  
14 I think you --

15 Q. Well, let me --

16 A. -- put the person --

17 Q. Let me ask you this: What training did you  
18 receive with regard to the use of confidential  
19 informants and their information?

20 A. What training?

21 Q. Yeah.

22 MR. SHOLTZ: Object as to vague.

23 Q. (By Mr. Dowd) You can answer.

24 A. You would get them and as -- there's really  
25 no training per se. Hopefully that the person is

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1 telling the truth, you get a reliable informant, but  
2 you had people that would tell you there's kilos of  
3 dope in this house and then you go in there, you don't  
4 find kilos. It's -- you have to work with them to see  
5 how reliable they are and truthful.

6 Q. Okay. Did you have any training with regard  
7 to documenting informants?

8 A. Well, you would get a -- they had a book  
9 where you get the person's name and everything and  
10 then they would give them a informant number.

11 Q. Did you do that?

12 A. Sometimes.

13 Q. How often? If you can give me a percentage,  
14 you know, out of five informants that you used, how  
15 many would you -- would you put in the book?

16 MR. SHOLTZ: Relevance. Compound. Go  
17 ahead.

18 A. I'm not sure. It's like some guys didn't  
19 like drug dealers and they wasn't per se called  
20 informants; they would just give you information and  
21 they didn't want to be tied down to where people think  
22 like you give me information, the police gonna tell  
23 that you did it and then somebody years ago --

24 Q. (By Mr. Dowd) I understand.

25 A. -- put information out that they could get

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1 ahold of the informant book and find out who's telling  
2 on who.

3 Q. Okay.

4 A. And people -- a lot of people didn't want to  
5 be -- their name written down.

6 Q. Documented?

7 A. Yes, sir.

8 Q. Okay. Can you give us your best estimate as  
9 to out of five or ten, whatever, whatever's a good  
10 number for you, you would -- you would document?

11 MR. SHOLTZ: Speculation. If you can come  
12 up with it.

13 A. I can't -- I can't give you a number. Like  
14 some guys, like I said, you would meet guys that's  
15 working off a case but they don't -- they're not your  
16 informant. Is that what you said?

17 Q. (By Mr. Dowd) I understand. No, I'm  
18 talking about yours.

19 A. Like my informants --

20 Q. Yeah.

21 A. -- if -- if I had an informant I would  
22 document them if they wanted to be documented.

23 Q. Okay. And do you have any idea how many you  
24 documented as opposed to not? Was it 50/50 --

25 MR. SHOLTZ: Asked and answered and

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1 speculation.

2 Q. (By Mr. Dowd) -- type of thing? Do you  
3 understand what I'm asking?

4 A. How many out of the --

5 Q. Was it 50/50 that you documented or 25/75  
6 that you -- that you documented --

7 MR. SHOLTZ: Same objections.

8 Q. (By Mr. Dowd) -- by putting them in the  
9 book? Just your best estimate.

10 MR. SHOLTZ: Same objections. If you can't  
11 give him a number...

12 A. I can guesstimate 50/50. I'm not sure  
13 though.

14 Q. (By Mr. Dowd) Okay. And you left that up  
15 to them whether or not they wanted to be documented?

16 MR. SHOLTZ: Misstates prior testimony.  
17 Argumentative.

18 A. For the most part. Like I said, if a guy  
19 was working off a case they really wasn't per se --  
20 there's guys that used to call the Narcotic office and  
21 say "I want to be an informant"; so those guys would  
22 be documented.

23 Q. (By Mr. Dowd) Okay.

24 A. And I'm not sure if the guys that got caught  
25 with something and worked off a case, if they were

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1 classified as informants.

2 Q. I see. Okay. I'm sorry. Who was your  
3 supervisor at the time that you went undercover?

4 A. In Narcotics?

5 Q. Yeah.

6 A. Sal Cira.

7 Q. How do you spell -- C-E-R-O?

8 A. I think --

9 MR. SHOLTZ: C-I-R-A.

10 A. Yeah, C-I-R-A.

11 Q. (By Mr. Dowd) And he was the one who kind  
12 of gave you your training in the unit?

13 A. We went to different training classes with  
14 like the DEA and we did stuff with the FBI and DEA.  
15 It was like a two-week -- two-week training course  
16 with the DEA officers and they have different  
17 instructors.

18 Q. And where would you go for that?

19 A. Different places like Westport Plaza, like  
20 hotels and --

21 Q. Gotcha.

22 A. -- and we stay there. We go there for two  
23 weeks at a time.

24 Q. But with regard to documenting your CIs,  
25 that would be up to -- was it Sergeant Cira?

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1 A. Yes, sir.

2 Q. That would be up to Sergeant Cira?

3 A. Well, I mean, it would be up to the  
4 detective once he talked to the guy and then you --  
5 Sal would keep the book with the informants' names and  
6 stuff.

7 Q. Okay. But with regard to whether you  
8 documented them or not, that was up to him?

9 MR. SHOLTZ: Objection. Speculation. Asked  
10 and answered.

11 Q. (By Mr. Dowd) He instructed you that, you  
12 know, if --

13 MR. HOELL: Misstates his testimony.

14 MR. DOWD: I'm asking a question.

15 Q. (By Mr. Dowd) With regard to not  
16 documenting a CI, that was -- that was up to him?

17 MR. SHOLTZ: Argumentative.

18 Q. (By Mr. Dowd) Ultimately.

19 MR. SHOLTZ: Argumentative. Speculation.  
20 Misstates testimony.

21 MR. HOELL: Join.

22 Q. (By Mr. Dowd) Do you understand what I'm  
23 saying?

24 A. Sal would kind of let you handle -- handle  
25 the situation. Like I said, if the guy didn't want to

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1 be documented -- and there's guys out here that want  
2 to be the police so they feel that getting their foot  
3 in the door they could tell on bad guys.

4 Q. Right.

5 A. But they don't want to be known in the  
6 neighborhood as a snitch so they won't give their name  
7 and stuff so --

8 Q. Okay.

9 A. -- we would never press, but like I said,  
10 there's so many people calling the office every day  
11 wanting to be documented informants.

12 Q. Okay. But I don't think I've got an answer  
13 to my question yet with regard to -- Sergeant Cira  
14 allowed you to document the ones that you wanted to  
15 document?

16 MR. SHOLTZ: Same objections.

17 MR. HOELL: Join.

18 A. Sal left it up to you to make the decision.

19 Q. (By Mr. Dowd) That's what I'm asking.

20 A. Yes, sir.

21 Q. And what was the different -- you've already  
22 said there were people that just wanted to be police  
23 and so they were trying to get their foot in the door.  
24 What were the other types of informants?

25 A. Mad females that's mad at their dope dealer

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1 A. Well, like I said, we would -- if it was a  
2 location -- like they would say -- just giving a  
3 nickname, "Ray-Ray is selling dope out of 5010  
4 Hodiament," we would go conduct a surveillance. First  
5 of all, we would obtain a photograph of the guy to  
6 verify who -- if he knows his first and last name but  
7 a lot of guys out here only know by street name,  
8 nicknames; so we would take the photograph. If he  
9 knew first and last name, show it to them. "Yeah,  
10 yeah, that's him right there," you know, then we would  
11 go to that location that they gave and conduct  
12 surveillance at a house or on a street corner --

13 Q. Okay.

14 A. -- to try to verify the information.

15 Q. Gotcha. And would you ever compensate  
16 informants by paying them money?

17 A. There was some informants paid.

18 Q. Can you give us your best estimate as to  
19 what percentage that would be?

20 MR. SHOLTZ: Objection. Vague as to time  
21 period.

22 Q. (By Mr. Dowd) Well, let's -- we're talking  
23 about in the nineties. Well, let's do this: How long  
24 were you with the Narcotics Unit?

25 A. Two --

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1 boyfriend who they might have found out they had  
2 another girlfriend or family they was providing the  
3 drug money to. They would call and tell on the guys.

4 Q. Okay.

5 A. Guys that feel that dope dealer shorted them  
6 on their purchases. If they purchased a quantity of  
7 drugs from them, they got shorted --

8 Q. Okay.

9 A. -- they would tell on the guys.

10 Q. Okay.

11 A. It's just different type --

12 Q. And you would use them to -- to -- to arrest  
13 the person that had done that to them, or investigate?

14 MR. SHOLTZ: Objection. Relevance. Go  
15 ahead.

16 A. Once given the information we would conduct  
17 investigation to see if the guy was reliable, you  
18 know. If he's saying Richard Dowd's a dope dealer, we  
19 have to go verify it. You know what I mean? We  
20 wouldn't just jump and go arrest a guy. We would go  
21 conduct a investigation after getting information from  
22 different type of people.

23 Q. (By Mr. Dowd) Okay. And then if you -- if  
24 you got some evidence as to that person's involvement  
25 in drugs, what would you do?

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1 Q. From '91 I think it was?

2 A. '92.

3 Q. From '92 to --

4 A. I was with SCAT in '91. I guess it was part  
5 of Narcotics, you know.

6 Q. Okay. Gotcha.

7 A. But I wasn't assigned. I was still -- I was  
8 detached to SCAT but I was assigned to the First  
9 District.

10 Q. Okay.

11 A. Up until '92 I was transferred in till I  
12 think 2000.

13 Q. And it was called the Narcotics Unit at that  
14 time?

15 A. At that time it was called -- like I said,  
16 it was called the Street Undercover Unit.

17 Q. Okay. Was that a subdivision of Narcotics?

18 A. They had three parts. They had the guys  
19 that do the buses and trains, you know, the packages  
20 at the UPS --

21 Q. Mm-hmm.

22 A. -- then we have the Undercover Unit which I  
23 was a part of, then we had the street -- Street Unit  
24 that did the search warrants and stuff like that,  
25 street arrests.

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1 Q. Okay. Street Unit did the warrants?

2 A. Yes, sir.

3 Q. So if you were undercover and you had  
4 information you would pass it on to the Street Unit?

5 A. Yes, sir.

6 Q. What was the procedure that you were to  
7 follow from there, from the time you conveyed  
8 information to the Street Unit?

9 A. What was the procedure?

10 Q. Yeah. What were you supposed to do with  
11 regard to your training as to how to convey this  
12 information to the Street Unit from Undercover? Does  
13 that make sense?

14 A. I guess you would call them and have them  
15 meet you somewhere and basically introduce you to the  
16 informant so they could get the information.

17 Q. And then you would provide them with  
18 information as well?

19 A. Whatever the information you gave and  
20 whatever information I obtained while doing an  
21 investigation, yes, sir.

22 Q. Okay. And did you do a report that you  
23 would provide to the Street Unit?

24 A. No, we didn't do the report. Not just from  
25 information.

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1 Q. Who would document these -- these transfers  
2 of information?

3 A. Document?

4 Q. Yeah. In the form of a police report.

5 A. No -- no report was necessary.

6 Q. Okay. So there was no documentation done up  
7 until the time there was an arrest?

8 A. I mean, people would take notes and stuff  
9 but it was not a police report though.

10 Q. All right. So what did they do with the  
11 information and the notes?

12 A. I'm not sure. I've seen people burn -- burn  
13 their information. I've seen people --

14 Q. What I mean --

15 A. -- throw it away because they didn't want  
16 nobody else getting it.

17 Q. How long were you undercover? '92 till...

18 A. I'm not sure. About three years, then they  
19 disbanded the -- the Street Unit and they made just  
20 the Narcotics division.

21 Q. So until approximately '95?

22 A. Yes.

23 Q. And they disbanded the street --

24 A. They short -- they shortened it. It was  
25 like 21 people in there at first, you know what I

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1 mean, like the Street Unit to --

2 Q. Was 21 officers?

3 A. I think it was approximately like  
4 20-something officers down there.

5 Q. Okay.

6 A. So they shortened it and made it like 14 or  
7 13, something like that. It may be less than that.

8 Q. Why'd they do that?

9 A. To put more people on the street, like --

10 Q. In uniform?

11 A. Yes, sir. New chief took over or whatever  
12 and he dis -- not disbanded but --

13 Q. Reduced the size?

14 A. Reduce -- yes, sir.

15 Q. Who was that chief?

16 A. I'm not sure. Might have been Henderson or  
17 Harmon. I'm not sure at that time.

18 Q. So as the undercover agent officer with  
19 regard to a CI who's giving you information that  
20 you're passing on to the Street Unit, you didn't --  
21 you did no documentation on it?

22 MR. SHOLTZ: Objection. Misstates  
23 testimony. Go ahead.

24 A. Like I said, if I had information I would  
25 pass it on and I wouldn't keep no paperwork and stuff.

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1 Q. (By Mr. Dowd) Okay.

2 A. But most --

3 Q. So the answer's no, you didn't document it?

4 A. No, I didn't.

5 Q. Okay. And did you ever move to the Street  
6 Unit anytime?

7 A. Yes, sir, I did.

8 Q. What year was that?

9 A. I think like -- like I said, I think it was  
10 '95. I'm not sure on the year.

11 Q. Yeah, that's fine. Just your best estimate.

12 A. Whenever they reduced the size of the --

13 Q. That's when you moved --

14 A. Yes, sir.

15 Q. -- to the Street Unit?

16 A. But I still -- I still bought dope but I  
17 was --

18 Q. Doing both?

19 A. -- doing both. Yes, sir.

20 Q. Gotcha. How long were you on the Street  
21 Unit?

22 A. Till I think 2000.

23 Q. And were you still buying as of 2000?

24 A. If somebody had an informant and -- depends  
25 on where the -- where the dealer was at. If it was a

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1 area that I did a lot of work at I couldn't buy.

2 Q. Right.

3 A. But it was -- yeah, I probably was up until  
4 2000. It wasn't as much as it was when I was  
5 undercover but I still -- like if somebody had  
6 somebody to introduce I would -- nine times out of ten  
7 I'd be the one to try to buy from them.

8 Q. So you were strictly undercover for about  
9 three years and then thereafter you did both some  
10 undercover but mostly Street Unit?

11 A. Street. Yes.

12 Q. Which was applying for warrants and  
13 executing warrants?

14 A. Street arrests. Yes, sir.

15 Q. What do you mean by "street arrests"?

16 A. Like you riding down the street and you see  
17 somebody selling dope, set up surveillance and go try  
18 to apprehend them. So we didn't just do search  
19 warrants. We did...

20 Q. Do you know between '95 and -- well, let's  
21 say from '92 to 2000 how many arrests you were  
22 responsible for?

23 A. How many arrests I made?

24 Q. Yeah.

25 A. I'm not sure.

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1 Q. Can you give us an estimate?

2 A. I couldn't estimate. I made a lot of  
3 arrests. I'm not sure of the number.

4 Q. Okay. Do you know how many search warrants  
5 you applied for?

6 A. No, sir, I don't.

7 Q. No idea?

8 A. No, sir.

9 Q. Any idea how many CIs you had working for  
10 you?

11 A. No, sir.

12 Q. When did Michael Holmes -- when did you  
13 first hear something about Michael Holmes?

14 A. I was in Mobile Reserve then.

15 Q. What year would that have been that you went  
16 to Mobile Reserve?

17 A. I think I was in mobile from 2000 to 2005.

18 Q. So with regard to '92 to 2000 you never had  
19 any information about Michael Holmes?

20 A. Not that I recall.

21 Q. Were you -- during that time period were you  
22 ever -- well, it's my understanding with regard to the  
23 Narcotics Unit you traveled citywide and into the  
24 county?

25 A. Yes, sir.

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1 Q. Okay. So while you were with the Narcotics  
2 Unit in either capacity or any capacity were you ever  
3 up in the Cates area, north -- north side little bit?

4 A. I don't recall but I'm sure I may have been.

5 Q. Okay. All right. Did you have areas that  
6 you concentrated in?

7 A. At one point Sal would give everybody a  
8 neighborhood that they was responsible for --

9 Q. Okay.

10 A. -- and like -- they would set up like  
11 neighborhood meetings where the different  
12 neighborhoods would come and complain on certain  
13 individuals.

14 Q. All right. And you would attend those  
15 meetings?

16 A. Yes, sir.

17 Q. Were you ever on -- were you ever assigned a  
18 neighborhood in north St. Louis?

19 A. I can't remember. I'm not sure.

20 Q. You know where the Cates neighborhood is?

21 A. Yes.

22 Q. Okay. Were you ever assigned to that area?

23 A. I'm not sure. I'm really not. I don't  
24 remember.

25 Q. So the first time you heard of Michael

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1 Holmes was on this occasion that you executed the  
2 warrant on Cates?

3 A. There wasn't a warrant. It was a consent to  
4 search.

5 Q. I'm sorry.

6 A. The best I can recall, yes, sir.

7 Q. Okay. And if I told you that was on  
8 October 29 of '97, does that sound right to you?

9 MR. SHOLTZ: Objection. Misstates facts.  
10 Foundation. I believe that's the date for Stephen  
11 Jones.

12 MR. DOWD: Ah.

13 Q. (By Mr. Dowd) Do you recall the first thing  
14 that you did with regard to this -- this alleged  
15 consent search at Cates?

16 MR. SHOLTZ: Objection. Argumentative.  
17 Vague. Go ahead.

18 A. The first thing?

19 Q. (By Mr. Dowd) Yeah.

20 A. I mean, I'm not sure what you --

21 Q. What brought it to your attention? Did you  
22 get a call on the radio?

23 A. I got a call.

24 Q. So Mobile Reserve is -- is sort of backup to  
25 the Narcotics Unit when they're going to execute a

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1 search warrant? Is that a fair statement?

2 A. I think at that time Mobile Reserve did some  
3 of the search warrants for the different units --

4 Q. Okay.

5 A. -- and sometimes Narcotics would call for  
6 the -- you know, to do the execution of a warrant.

7 Q. Okay. But they'd call who?

8 A. Mobile.

9 Q. Okay. And do you recall who called Mobile  
10 Reserve for the Cates residence?

11 A. It was an informant.

12 Q. I'm sorry?

13 A. It was an informant.

14 Q. That called the Mobile Reserve?

15 A. They called me.

16 Q. What did he say to you? Was it a he or a  
17 she?

18 A. It was a he.

19 Q. What did he tell you?

20 A. Told me he was at a location and this guy  
21 had a large amount of crack cocaine, told me the guy's  
22 name, and told me what the guy had on.

23 Q. What name did he tell you?

24 A. I think they called him Big Mike or  
25 something.

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1 but he didn't have no money.

2 Q. Big Mike had the drugs where?

3 A. Right there with him.

4 Q. On the street?

5 A. I believe so.

6 Q. This is what the confidential informant told  
7 you?

8 A. Yes, sir.

9 Q. He said, "I think he's got money in his car"  
10 -- I mean -- I'm sorry -- "I think he's got drugs in  
11 his car"?

12 A. He told me he saw a guy with a brown paper  
13 bag full of crack cocaine.

14 Q. And did he say where he was located?

15 A. Yes.

16 Q. Where?

17 A. Right -- right outside the Cates house.

18 Q. What description did he give you?

19 A. I think heavyset black male with a gold  
20 sweatshirt on or a yellow sweatshirt.

21 Q. Anything else?

22 A. I think that was it.

23 Q. With a gold sweatshirt?

24 A. I think it was gold. I'm not sure.

25 Q. Okay. What else did he tell you?

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1 Q. What did you do with that information?

2 MR. SHOLTZ: Objection. Vague. Go ahead.

3 A. I tried to get the guy to tell him to meet  
4 him at a location. The guy wanted -- wanted the money  
5 to do the drug deal. We didn't have any money so I  
6 contacted Bobby Garrett. I knew they was in plain --  
7 plain clothes. Well, I advised my sergeant what I was  
8 gonna do.

9 Q. (By Mr. Dowd) Is that Cira?

10 A. No. That was Silas Hardison.

11 Q. What's the last name?

12 A. Hardison.

13 Q. Hardison?

14 A. Yeah.

15 Q. Okay. He was a sergeant?

16 A. Yes.

17 Q. What did you tell him?

18 A. I told him we had this guy over there and  
19 the informant was up there with him and -- but the guy  
20 wanted to do the drug deal right there but we didn't  
21 have no money.

22 Q. He wanted money to go buy drugs from the  
23 Cates residence?

24 A. The guy -- Big Mike had the drugs right  
25 there. He wanted him to give him -- provide him money

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1 A. He just said he had a big bag of dope and he  
2 wanted him to do the drug deal, but like I said, we  
3 didn't have no money.

4 Q. How much was he talking about buying?

5 A. I'm not sure of the amount.

6 Q. Did he want a lot of money or...

7 A. He wanted in thousands. Yes.

8 Q. Okay. What happened then?

9 A. I contacted Bobby Garrett and used his car  
10 to conduct surveillance of the guy.

11 Q. What guy?

12 A. Big Mike. Michael Holmes.

13 Q. So you got in a car with Bobby Garrett?

14 MR. SHOLTZ: Objection. Misstates  
15 testimony.

16 Q. (By Mr. Dowd) You said you used Garrett's  
17 car.

18 A. Yes.

19 Q. Was he undercover?

20 A. I guess they was. They was in plain  
21 clothes. I'm not sure of the title.

22 Q. Okay. And what kind of car did he have?

23 A. I'm not sure of the make and model of the  
24 car.

25 Q. Was it one of those white unmarked police

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1 cars?

2 A. It was a civilian car. It wasn't a police  
3 car. No, it was probably a rental car. I'm not sure  
4 of the make and model.

5 Q. Okay. So you undertook surveillance with  
6 Bobby Garrett?

7 MR. SHOLTZ: Objection. Misstates  
8 testimony.

9 A. I was in there with Allen Ray.

10 Q. (By Mr. Dowd) So you used Garrett's car but  
11 did it with Allen Ray?

12 A. Yes, sir.

13 Q. What happened?

14 A. We observed what we believed to be several  
15 drug deals conducted by Michael Holmes.

16 Q. Describe those to me, please.

17 A. I'm not sure. Car pulled up, you see them  
18 exchange something and he did currency in exchange for  
19 whatever he gave the person.

20 Q. And you decided that there had been a drug  
21 deal?

22 A. Appeared to be a drug deal.

23 Q. Okay. Did you report that to anybody?

24 A. Report it?

25 Q. Yeah. You had a radio with you; correct?

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1 A. We never -- like I said, we never tried to  
2 alert the dealer. Some people got cell phones and  
3 once the car's pulling over they could just call and  
4 tell them, "Hey, man, police must be up there, they  
5 pulled me over" or whatever. So we didn't want  
6 anybody stopping them to alert them and usually we  
7 didn't even try to get the buyer's information because  
8 we wanted the dealer.

9 Q. (By Mr. Dowd) But this person who had, in  
10 your opinion, just purchased drugs had just committed  
11 a crime; correct?

12 MR. SHOLTZ: Objection. Argumentative.  
13 Relevance.

14 A. Yes, sir.

15 Q. (By Mr. Dowd) And aren't you required to  
16 investigate and arrest where crimes have been  
17 committed?

18 MR. SHOLTZ: Objection. Argumentative.  
19 Calls for a legal conclusion.

20 MR. RELYS: Join.

21 MR. HOELL: Join.

22 A. At that time we was trying to get the drug  
23 dealer. We was gonna make an arrest.

24 Q. (By Mr. Dowd) What did you do -- how many  
25 vehicles?

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1 A. Yes.

2 Q. Did you report it to anybody that there was  
3 a vehicle leaving the Cates area --

4 A. No, sir.

5 Q. -- who appeared to just make a narcotics  
6 buy?

7 A. No, sir. They may have warned Michael  
8 Holmes that we were in the area to conduct  
9 surveillance of him.

10 Q. Did you get any information from the  
11 vehicle, ask anyone to get the license plate or  
12 anything on the vehicle?

13 A. No, sir. We didn't want to alert the drug  
14 dealer.

15 Q. You couldn't see the car from where you were  
16 sitting?

17 A. I'm not sure of the make and model cars.  
18 That was awhile ago.

19 Q. Well, I know. I'm not asking you today but  
20 you were close enough at the time that you could see  
21 the vehicle --

22 MR. SHOLTZ: Objection. Argumentative.

23 Q. (By Mr. Dowd) -- and get the make and  
24 model.

25 MR. SHOLTZ: Argumentative.

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1 A. I think it was approximately three.

2 Q. Did you get any identification on any of  
3 those vehicles?

4 A. No, sir, I didn't.

5 Q. Or -- or the individuals --

6 A. No, sir, I didn't.

7 Q. -- that made these alleged purchases?

8 A. No, sir, I did not.

9 Q. How long did you observe the Cates  
10 residence?

11 A. I'm not sure. Just -- we saw the  
12 transactions and we left.

13 Q. So you have no idea how long you watched the  
14 house?

15 A. I'm not sure how long we watched it.

16 Q. What'd you do then?

17 A. Went back and told the supervisor what we  
18 observed.

19 Q. Back to the precinct?

20 A. No. We met somewhere on the street.

21 Q. Where did you meet?

22 A. I'm not sure where we met at.

23 Q. Who was -- was this the same supervisor?

24 A. Yes, sir, it was.

25 Q. What was his name?

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<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>49</p> <p>1 A. Silas Hardison. 2 Q. Then what did you do? 3 A. We decided we was gonna try to do a consent 4 to search the residence. 5 Q. And who did that? 6 A. Who did that? 7 Q. Yes. 8 A. Me along with members of the Mobile Reserve. 9 Q. I'm sorry? 10 A. Me along with members of the Mobile Reserve 11 Unit. 12 Q. Okay. What about Bobby Garrett? 13 A. I'm not sure if Bobby went. I don't 14 think -- he may have been there but we -- Mobile 15 Reserve did the -- did everything in there. 16 Q. What exactly did you do? 17 A. Approached the residence and informed a lady 18 of the information we received and got her to sign 19 consent to search. 20 Q. Who was the lady? 21 A. I guess a lady determined to had been his 22 grandmother. 23 Q. Did you ask her if she owned the residence? 24 A. I believe she said she did. 25 Q. Do you remember asking her?</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>51</p> <p>1 A. Allen Ray. Maury. 2 Q. Officer Maury? 3 A. Yes. 4 Q. M-A-U-R-Y? 5 A. I'm not sure of the spelling of his name. I 6 think Tambo may have been there. Ernst. Ernst. 7 Tambo. I'm not sure who all was there. 8 Q. How many do you think were there? 9 A. Seven, eight. I'm not sure. 10 Q. Then what'd you do? You said you entered 11 the residence. Through the front door? 12 A. Yes, sir. 13 Q. Okay. Then what happened? 14 A. Went in the residence and saw a black male 15 coming down the steps, the same one we had saw outside 16 with the gold sweatsuit on. 17 Q. How far -- were you in the front of this 18 group of officers? Were you the first one to enter? 19 A. I might have been in second going up the 20 steps after talking with the lady. 21 Q. Okay. So your recollection is there was one 22 officer in front of you? 23 A. I believe so. I'm not sure. 24 Q. And do you know who that was? 25 A. It was Allen Ray.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>
<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>50</p> <p>1 A. Yes, sir. 2 Q. Then what'd you do? Well, where -- where 3 did you talk to her? Did she come out on the front 4 porch? 5 A. I believe she was on the front porch when we 6 came up. 7 Q. Okay. And what did she -- what did she 8 actually say to you? Did you say, "Can I search your 9 house?" and she said, "Yeah, go ahead"? 10 A. She signed a consent first and she said -- I 11 don't recall exactly what she said, but she gave us 12 consent to go in there and search. 13 Q. Do you have information as we sit here today 14 whether or not she owned that house? 15 MR. SHOLTZ: Objection. Legal conclusion. 16 Relevance. Speculation. 17 A. I'm not sure who owned it. 18 Q. (By Mr. Dowd) Okay. What did you do then? 19 A. Entered the residence. 20 Q. Who entered the residence? 21 A. Me along with other members of the Mobile 22 Reserve. 23 Q. Who was that? 24 A. I'm not sure everybody that was there. 25 Q. Do you remember anybody?</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>52</p> <p>1 Q. You said you saw an individual coming down 2 the stairs? 3 A. Yes, sir. 4 Q. Where were you located at the time when you 5 saw him? 6 A. We was coming up the stairs. 7 Q. What stairs? 8 A. There was rear stairs inside house that lead 9 to the upstairs. 10 Q. So you had -- you had gone how far when you 11 saw this individual? 12 A. I'm not sure. We was coming up the steps, 13 he was coming down. 14 Q. Okay. But how far had you traveled inside 15 the house to get to the stairs? 16 A. I don't -- man, I can't recall where the -- 17 how the house -- 18 Q. I mean were you just inside the house? 19 A. No. We was at the stairwell. Wherever the 20 stairs that lead upstairs is, we were coming up the 21 steps, he was coming down. 22 Q. How many steps away -- how many steps had 23 you gone up before you saw someone? 24 A. I'm not -- I'm not sure of the -- how many 25 steps but we saw the guy coming, he saw us.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>

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- 1 Q. Well, I know. I know. But where were you?  
 2 A. We were on the steps. I don't know -- we  
 3 were --  
 4 Q. Had you gone up three flights of steps?  
 5 A. No, we didn't go --  
 6 Q. Had you gone up 20 steps? Or had you gone  
 7 up two or three?  
 8 A. We didn't go up that many.  
 9 MR. SHOLTZ: Compound. Let him ask you.  
 10 Q. (By Mr. Dowd) How many steps had you gone  
 11 up before you saw this individual?  
 12 A. I'm not sure. I'm not sure the amount of  
 13 steps.  
 14 Q. You have no idea?  
 15 A. No, sir.  
 16 Q. How far away was he when you saw him?  
 17 MR. SHOLTZ: Objection. Asked and answered.  
 18 A. I'm not sure.  
 19 Q. (By Mr. Dowd) You don't remember that  
 20 either?  
 21 A. No, sir.  
 22 Q. You can't picture that in your mind's eye?  
 23 MR. SHOLTZ: Objection. Argumentative.  
 24 Asked and answered.  
 25 Q. (By Mr. Dowd) You can answer.

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- 1 A. No, sir.  
 2 Q. What did you do after that?  
 3 A. After he observed us he dropped the bag,  
 4 went back up the steps, I retrieved the bag and Allen  
 5 Ray went and got him.  
 6 Q. Everybody else stayed with you?  
 7 A. No. They went up the steps too.  
 8 Q. I'm sorry?  
 9 A. I believe they went up there too.  
 10 Q. Did they tell you where they found him?  
 11 A. It was the third floor, I believe.  
 12 Q. Did you do anything else with regard to that  
 13 arrest?  
 14 A. I don't understand the question.  
 15 Q. So you stayed on the stairs with the bag?  
 16 A. No. I went up there and placed him under  
 17 arrest, advised him of his rights.  
 18 Q. So it was your arrest?  
 19 A. Yes, sir, it was.  
 20 Q. Did he agree to make a statement?  
 21 A. I don't recall.  
 22 Q. What'd you do next?  
 23 A. We searched the rest of the residence.  
 24 Q. What did you find?  
 25 A. Found a Thompson machine gun -- I believe it

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- 1 A. I can't picture where he was at. He saw us,  
 2 we saw him.  
 3 Q. You have no idea where he was on the stairs?  
 4 A. No.  
 5 MR. SHOLTZ: Asked and answered.  
 6 Argumentative. Badgering.  
 7 Q. (By Mr. Dowd) That's a no?  
 8 A. No, sir, I don't.  
 9 Q. And you have no idea where you were on the  
 10 steps?  
 11 MR. SHOLTZ: Same objection. Richard, are  
 12 you gonna listen to his answer this time?  
 13 A. No, sir.  
 14 Q. (By Mr. Dowd) Do you know whether or not  
 15 you can see those stairs from the front door?  
 16 MR. SHOLTZ: Objection. Argumentative.  
 17 Relevance.  
 18 Q. (By Mr. Dowd) You can answer.  
 19 A. I don't recall. We was on the stairwell  
 20 leading up the steps.  
 21 Q. So you don't remember anything about the  
 22 inside of the house?  
 23 MR. SHOLTZ: Objection. Argumentative.  
 24 Misstates prior testimony.  
 25 Q. (By Mr. Dowd) You can answer.

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- 1 was Thompson machine gun; some currency; shotgun; and  
 2 some heroin.  
 3 Q. How much heroin?  
 4 A. I think it was approximately a ounce. I'm  
 5 not sure of the amount exactly.  
 6 Q. Anything else?  
 7 A. No, that was it that I recall.  
 8 Q. Okay. What did you do with those items?  
 9 Were you the seizing officer?  
 10 A. Yes, sir, I was.  
 11 Q. What did you do with those items?  
 12 A. Took them to the lab and I took to the  
 13 others to the property.  
 14 Q. Took them to the lab and did what with them?  
 15 A. Gave them to the lab.  
 16 Q. Okay.  
 17 A. Gave the money to forfeiture, the guns go to  
 18 the firearms, and the dope go to the laboratory.  
 19 Q. Okay. Did you have these items dusted for  
 20 finger -- well, let me ask you this first: Were any  
 21 of those items found on Mr. Holmes' person?  
 22 A. When I saw him drop the bag nothing else was  
 23 on him, no, sir.  
 24 Q. Okay. These items you just described, none  
 25 of those were on his person?

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1 A. No, sir.

2 Q. Did you have them all tested for  
3 fingerprints?4 MR. SHOLTZ: Objection. Foundation. Calls  
5 for a legal conclusion. Speculation.6 Q. (By Mr. Dowd) You were the seizing officer;  
7 correct?

8 A. Yes, sir.

9 Q. So it would be your job to ask that they be  
10 fingerprinted?11 MR. SHOLTZ: Calls for a legal conclusion.  
12 Argumentative. Speculation.13 Q. (By Mr. Dowd) Would that be your job if  
14 somebody was gonna ask for that?

15 MR. SHOLTZ: Same objections.

16 A. Yes.

17 Q. (By Mr. Dowd) Did you?

18 A. I'm not sure.

19 Q. Why wouldn't you?

20 MR. SHOLTZ: Argumentative. Calls for a  
21 legal conclusion. Relevance.22 Q. (By Mr. Dowd) Why wouldn't you have them  
23 fingerprinted if they weren't on his person?

24 MR. SHOLTZ: Same objections.

25 A. We didn't charge him with nothing but the

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1 dope. I mean, the other stuff was just recovered, I  
2 believe.3 Q. (By Mr. Dowd) Did you have the dope tested  
4 for fingerprints?

5 A. I'm not sure. I don't recall.

6 Q. Is there any reason that you wouldn't?

7 A. I mean, I saw him drop it. I mean, if I  
8 didn't see him drop it we would probably tested it,  
9 I'm not sure, but if you saw him drop it why would you  
10 have to have them -- have it fingerprinted?11 Q. To establish that it was actually in his  
12 hands.13 MR. SHOLTZ: Objection. Is that a question?  
14 It's not a question. Don't answer it.15 Q. (By Mr. Dowd) Did you ever take  
16 fingerprints off of drug bags?

17 MR. SHOLTZ: Objection. Relevance.

18 Q. (By Mr. Dowd) Ever asked that the lab test  
19 drug bags for fingerprints?

20 MR. SHOLTZ: Same objection.

21 A. Yes.

22 Q. (By Mr. Dowd) Was there any department  
23 policy that required you to have items tested for  
24 fingerprints?

25 A. Not that I know of, no, sir.

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1 Q. What else did you do with regard to Michael  
2 Holmes?

3 A. I took him to the station and booked him in.

4 Q. Who was the confidential informant that gave  
5 you this information about Cates?6 MR. SHOLTZ: Objection. That's a closed  
7 record.

8 Q. (By Mr. Dowd) Are you gonna answer?

9 A. I don't want to give up his name because his  
10 family may be harmed.

11 Q. Okay. I'll certify it.

12 What else did you do with regard to the  
13 arrest of Michael Holmes?14 A. I took him to the station and see would he  
15 provide information and he wouldn't. Booked him in  
16 and he was transported to prisoner processing.

17 Q. Anything else?

18 MR. SHOLTZ: Objection. Vague.

19 Q. (By Mr. Dowd) You can answer.

20 A. Anything else like what?

21 Q. Yeah. You took him in and turned him over  
22 to prisoner processing?23 A. I'm not sure if I did or the cruiser driver  
24 took him downtown.

25 Q. Okay.

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1 A. Yes.

2 Q. Did you do anything else?

3 A. I think that's it.

4 Q. Okay. You never -- you never questioned him  
5 at the station?6 A. I stated that earlier. He didn't want to  
7 talk so --

8 Q. So at the station you didn't talk to him?

9 A. Yeah, at the station. Yes, sir.

10 Q. Okay. Where did that take place?

11 A. I guess it's like the -- a little area of  
12 the office, the Mobile Reserve office.

13 Q. Okay. And he refused to talk to you?

14 A. Yes. He didn't want to say anything.

15 Q. Okay. What did -- what did you -- did you  
16 do anything else with regard to that arrest?

17 A. That was it.

18 Q. Okay. What did you review before coming to  
19 your deposition here?

20 A. What did I review?

21 Q. Yeah.

22 A. I had a copy of the report. I didn't -- I  
23 didn't really review that though.

24 Q. What report?

25 A. Michael Holmes.

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<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>61</p> <p>1 Q. Okay. Anything else?</p> <p>2 A. Stephen Jones.</p> <p>3 Q. Okay. So you looked at the police report</p> <p>4 that was generated with regard to the arrest of</p> <p>5 Michael Holmes and that's it?</p> <p>6 A. Stephen Jones too. Not today. I didn't --</p> <p>7 I haven't looked at it.</p> <p>8 Q. What about in the months leading up to your</p> <p>9 deposition? What did you review?</p> <p>10 A. Nothing.</p> <p>11 Q. No transcripts, no -- of your testimony?</p> <p>12 A. I believe I had that but I -- I didn't want</p> <p>13 to read it actually so I viewed the two police reports</p> <p>14 and I came here today.</p> <p>15 Q. Did you see in the report where you stated</p> <p>16 that when you entered the house you saw Mr. Holmes</p> <p>17 coming down the stairs?</p> <p>18 A. I believe that's what I stated.</p> <p>19 Q. Your report was closest to the time of the</p> <p>20 incident?</p> <p>21 A. Approximately. Yes, sir.</p> <p>22 Q. Not approximately. It was closer to the</p> <p>23 time of the incident to your testimony at trial?</p> <p>24 A. I'm not sure.</p> <p>25 Q. In time. You did the report within a matter</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>63</p> <p>1 Mobile Reserve. It was my investigation, it was my</p> <p>2 unit that did everything.</p> <p>3 Q. (By Mr. Dowd) He lent you his car and he</p> <p>4 stuck around?</p> <p>5 A. He did? Bobby knew?</p> <p>6 Q. Yeah. Bobby Garrett.</p> <p>7 A. Yeah. I think so. I think they were there.</p> <p>8 They were standing around.</p> <p>9 Q. Did you ever talk to Bobby Garrett about --</p> <p>10 about gambling?</p> <p>11 A. Gambling?</p> <p>12 Q. Yeah.</p> <p>13 A. No.</p> <p>14 Q. Did you know he gambled?</p> <p>15 A. Bobby?</p> <p>16 MR. SHOLTZ: Objection.</p> <p>17 Q. (By Mr. Dowd) Yeah.</p> <p>18 MR. SHOLTZ: Relevance. Misstates --</p> <p>19 Q. (By Mr. Dowd) You can answer.</p> <p>20 MR. SHOLTZ: -- prior testimony.</p> <p>21 Foundation. Assumes facts not in evidence.</p> <p>22 A. I'm not sure.</p> <p>23 Q. (By Mr. Dowd) You never heard that he liked</p> <p>24 to gamble?</p> <p>25 MR. SHOLTZ: Objection. Same objections.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>
<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>62</p> <p>1 of days of the arrest; correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. So that would be the most accurate</p> <p>4 description of the events?</p> <p>5 MR. SHOLTZ: Objection. Argumentative.</p> <p>6 A. Yes, sir, what I wrote, yes.</p> <p>7 Q. (By Mr. Dowd) Did you have a partner at the</p> <p>8 time of the Holmes arrest?</p> <p>9 A. Allen Ray.</p> <p>10 Q. It was Allen Ray?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And how long was he your partner?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Were you ever partners with Bobby Garrett?</p> <p>15 A. Never.</p> <p>16 Q. How about Vincent Carr?</p> <p>17 A. Yeah, I was partners with Vincent.</p> <p>18 Q. How long?</p> <p>19 A. About four or five years.</p> <p>20 Q. What years were those?</p> <p>21 A. I think like '95 to 2000 I think.</p> <p>22 Q. Was Bobby Garrett on the scene at the time</p> <p>23 of the Holmes arrest?</p> <p>24 MR. SHOLTZ: Objection. Asked and answered.</p> <p>25 A. I think he was but it was -- it was all</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>64</p> <p>1 A. I'm not sure what Bobby did. Me and Bobby</p> <p>2 worked together and we wasn't running buddies, like I</p> <p>3 wouldn't go to bars with him and he -- we worked</p> <p>4 together. I don't know what he did with his private</p> <p>5 life.</p> <p>6 Q. (By Mr. Dowd) Okay. Did you ever hear that</p> <p>7 though?</p> <p>8 MR. SHOLTZ: Same objections.</p> <p>9 A. I'm not sure.</p> <p>10 Q. (By Mr. Dowd) That maybe he had a gambling</p> <p>11 problem?</p> <p>12 A. Bobby?</p> <p>13 Q. Yeah.</p> <p>14 MR. SHOLTZ: Same objection. Asked and</p> <p>15 answered.</p> <p>16 Q. (By Mr. Dowd) You're saying you never heard</p> <p>17 that?</p> <p>18 MR. SHOLTZ: Richard, that's what he said.</p> <p>19 MR. DOWD: No, I haven't heard an answer.</p> <p>20 A. I haven't heard that.</p> <p>21 Q. (By Mr. Dowd) I'm sorry?</p> <p>22 A. I haven't heard he had a gambling problem.</p> <p>23 Q. You never gambled with him?</p> <p>24 MR. SHOLTZ: Objection. Asked and answered.</p> <p>25 Badgering.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>

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1 MR. DOWD: No, it's not asked and answered.  
 2 If you'd stop objecting we could get this done.  
 3 MR. SHOLTZ: Same objections.  
 4 Argumentative. Move to strike Counsel's sidebar.  
 5 Q. (By Mr. Dowd) You can answer.  
 6 A. I'm not sure. I think I gambled with Bobby  
 7 one time.  
 8 Q. Okay. Have you talked to Bobby Garrett  
 9 since -- during or since his incarceration?  
 10 A. Yeah, I talked to him since he -- since he  
 11 came out. Not during.  
 12 Q. How long ago was that?  
 13 A. I'm not sure. Bobby called me couple months  
 14 ago I guess and we talked several times since.  
 15 Q. What did he say?  
 16 MR. SHOLTZ: Objection to relevance.  
 17 Hearsay.  
 18 Q. (By Mr. Dowd) What did he say?  
 19 MR. SHOLTZ: Same objections.  
 20 Q. (By Mr. Dowd) You can answer. The  
 21 objections are for the Court.  
 22 A. Okay.  
 23 Q. You can just ignore those.  
 24 MR. SHOLTZ: Object to sidebar of Counsel.  
 25 Go ahead.

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1 MR. SHOLTZ: Asked and answered.  
 2 A. Yes, sir.  
 3 MR. SHOLTZ: You doing okay? You need a  
 4 break or anything?  
 5 THE DEPONENT: No. I was just thinking I  
 6 got a ticket. Too late now.  
 7 Q. (By Mr. Dowd) Have you a chance to look at  
 8 your IAD file?  
 9 A. No, sir. I got a copy of it but I haven't  
 10 looked at it.  
 11 Q. Okay. Do you remember a complaint filed by  
 12 a Harold White in 1995?  
 13 A. Yes, sir.  
 14 Q. What was that complaint about?  
 15 MR. SHOLTZ: Object to relevance.  
 16 A. I'm not sure of the exact nature of it. I  
 17 think I got a reprimand for letting him stay in our  
 18 house.  
 19 Q. (By Mr. Dowd) Do you remember filling out a  
 20 memo as to the complaint?  
 21 A. That's procedure. Yes, sir.  
 22 Q. I'm sorry?  
 23 A. That's probably procedure. Yes, sir.  
 24 Q. Okay. Do you actually remember filling one  
 25 out?

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1 A. Basically probably about these lawsuits and  
 2 he just asked how I was doing and, you know, what I  
 3 was doing and I asked him general conversation, how he  
 4 was doing, what he was doing.  
 5 Q. (By Mr. Dowd) About these cases?  
 6 A. No, not much about these. He's just, like,  
 7 what are you doing in life, working or not working.  
 8 Q. But you testified he said -- he called and  
 9 you called and you talked several times and that you  
 10 talked about these cases.  
 11 A. I said -- you asked me what did we talk  
 12 about.  
 13 Q. Okay.  
 14 A. I said he talked some about these lawsuits,  
 15 then he talked general conversation about --  
 16 Q. I understand.  
 17 A. -- how I was doing and how he was doing.  
 18 Q. That's what I heard you say. What did he  
 19 say about these lawsuits?  
 20 A. He said it was a bunch of BS.  
 21 Q. Anything else?  
 22 A. No.  
 23 Q. That's all he said, they're a bunch of BS?  
 24 A. Yeah.  
 25 Q. That's all you can remember?

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1 A. I don't know what I wrote.  
 2 Q. No idea?  
 3 A. IAD usually have you write a memo.  
 4 Q. Okay. But do you specifically remember  
 5 writing one on Harold White?  
 6 A. They normally have you write a memo on IAD  
 7 complaint. I'm not sure what I wrote.  
 8 Q. And you don't remember what the complaint  
 9 was?  
 10 MR. SHOLTZ: Objection. Misstates  
 11 testimony. Go ahead.  
 12 Q. (By Mr. Dowd) Do you remember what the  
 13 complaint was?  
 14 A. Like I said, I beat him up or assault him.  
 15 Q. Okay. Anything else?  
 16 A. That was it.  
 17 Q. Was Harold White an African-American?  
 18 A. Yes, sir.  
 19 Q. How old a guy is he?  
 20 A. I'm not sure. He's probably in his fifties  
 21 now. I'm not sure exact age.  
 22 Q. So are you saying you got a written  
 23 reprimand for beating him up?  
 24 MR. SHOLTZ: Objection. Misstates  
 25 testimony. Go ahead.

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- 1 A. I got a written reprimand for letting him  
2 stay in the house.
- 3 Q. (By Mr. Dowd) So you do remember that part  
4 of it. What was he convicted of?
- 5 A. I'm not sure what he was convicted of.
- 6 Q. You got no idea what he was -- what his  
7 felony conviction was?
- 8 A. No, sir.
- 9 Q. What about a complaint by a Philanda  
10 Jamison? Do you remember anything about that?
- 11 A. Yes, sir.
- 12 Q. What was that?
- 13 A. I believe he said he got beat up but he said  
14 that person or persons unknown put a bag over his head  
15 and beat him; so that was thrown out or unfounded.
- 16 Q. Do you know who Philanda Jamison is?
- 17 A. I don't know. I don't know who he is.
- 18 Q. Did you ever arrest him?
- 19 A. I think I did. That was the day of the  
20 incident.
- 21 Q. Do you recall a complaint by Captain David  
22 Heath in 1999, September 24th, 1999?
- 23 A. What was the complaint?
- 24 Q. I'm asking you if you remember it.
- 25 A. No, sir.

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- 1 Q. So you don't remember writing a memo or  
2 anything on it?
- 3 A. I don't know. Heath -- I'm trying to  
4 remember if I didn't do a report on time or something.
- 5 Q. Do you remember writing a memo in response  
6 to the complaint?
- 7 A. Yes, sir.
- 8 Q. You do remember writing it?
- 9 A. I don't remember what I wrote but I had to  
10 write a memo. Each time you get a complaint you got  
11 to write a memo.
- 12 Q. I'm asking you if you specifically remember.  
13 You keep saying, you know, I didn't -- it was  
14 department policy to write a memo.
- 15 A. I don't remember what I wrote.
- 16 Q. Do you remember specifically you sitting  
17 down and writing the memo?
- 18 A. No, sir, I don't.
- 19 Q. You don't remember anything that would have  
20 gone in the memo?
- 21 A. I don't remember. No, sir.
- 22 Q. How about Gilbert Davis, a complaint from  
23 July 25 of 2000?
- 24 A. Yes, sir, I remember.
- 25 Q. What was that about?

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- 1 A. We had stopped him and I believe somebody  
2 had searched him prior to me searching him but I  
3 searched his hatband I believe and the dope was in his  
4 hatband. He said it was planted on him by I guess me  
5 or another officer.
- 6 Q. So it was a stop of a motor vehicle?
- 7 A. I don't -- I don't recall the -- we had  
8 frequent contact with him. He was like the  
9 neighborhood drug dealer. I don't know if we was on  
10 foot or in the car.
- 11 Q. You don't remember whether it was a  
12 vehicle --
- 13 A. I stopped a lot of cars.
- 14 Q. -- or a residence?
- 15 A. I'm not sure. It was 2000. 14 years ago.
- 16 Q. How about a complaint by Sergeant John  
17 Carnaghi of July 12, 2001?
- 18 A. I don't know about that one.
- 19 Q. Complaint by Deshawn Jones, January 12th of  
20 2006?
- 21 A. Deshawn Jones?
- 22 Q. Do you remember anything about that  
23 complaint?
- 24 A. No.
- 25 Q. What about executing a search warrant at the

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- 1 residence?
- 2 A. Deshawn.
- 3 Q. Took some pictures he had of his girlfriend?
- 4 A. I didn't take no pictures. He said I took  
5 pictures. If you would have seen his girlfriend you  
6 wouldn't have took no pictures. Everybody seen them  
7 pictures. He was mad at me because I locked him up.  
8 This girl was (witness indicates).
- 9 Q. What about the complaint by Earnest Moore  
10 Jr.?
- 11 A. Earnest Moore?
- 12 Q. From March 22 of 2008.
- 13 A. I don't remember that.
- 14 Q. Okay. You don't remember writing a report  
15 on it?
- 16 A. If you tell me what it was it might bring my  
17 memory but...
- 18 Q. With regard to a complaint by Earl Ganaway  
19 and Laterryl Saddler?
- 20 A. Laterryl Saddler? Some of them complaints  
21 wasn't on me. I was with the officer and I had to  
22 write a memo but they wasn't directed towards me so I  
23 don't know particularly, I mean, what they were.
- 24 Q. This was, as you say, Officer Matthews --
- 25 A. Yes, sir.

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1 Q. -- threatened Mr. Ganaway?

2 A. He --

3 Q. Do you remember it?

4 A. I don't remember him threatening him. We  
5 stopped the guy several times and one time I was  
6 explaining that the guy had the dope hidden in his  
7 mother's Escalade in the center console and Matthews  
8 went to get it and broke something in the console so  
9 he made up a lie that Matthews put dope on -- I think  
10 they -- his mama made a complaint that he broke the  
11 interior of her car. And this guy, we saw him -- we  
12 saw a vehicle like maybe two weeks later, tinted  
13 windows, getting off the highway driving erratic or  
14 something. We stopped the car. It's Earl Ganaway in  
15 there. We arrested him again. He said we was  
16 harassing him. How would we know he was in that car?  
17 And the guy told me in the background, "Oh, man, I  
18 went down there. I didn't say nothing on you. I just  
19 told on the white boy."

20 Q. How about the complaint by Captain John  
21 Hayden, April 14, 2009?

22 A. That was unfounded. It should have been.

23 Q. I'm sorry?

24 A. That was unfounded. It should have been.

25 Q. And what was the nature of that charge?

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1 A. What month was that?

2 Q. April 19th of 2009.

3 A. I don't know what they charged me with. I  
4 know they didn't never find I did anything wrong.

5 Q. That you falsified search warrant  
6 affidavits.

7 A. That was never --

8 Q. You don't remember that?

9 A. I remember John Hayden telling me they  
10 didn't see nothing that I did wrong.

11 Q. But you refused to talk to --

12 A. I talked -- I provided every information  
13 that they needed and they told me in the end, "We  
14 don't have nothing on you."

15 Q. And that's why you left the department under  
16 charges?

17 A. I wasn't under charges. I was under  
18 allegation that they can't prove. I was never charged  
19 with anything internally or criminally. Never. John  
20 Hayden did what Jennifer Joyce wanted him to do.

21 Q. Is it your testimony that you didn't refuse  
22 to answer questions when you were questioned by the  
23 department?

24 A. I answered every question. Who would say  
25 that? I answered every question they gave me. I

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1 answered every memo they gave me. They did  
2 investigation. I had people calling me for  
3 information I gave trying to find the informant.

4 Q. You were never told by the St. Louis Police  
5 Department that the investigation into the affidavits  
6 would be terminated if you resigned?

7 A. I'm not -- I'm not sure what you're saying.

8 Q. Were you ever told by anyone at the  
9 St. Louis Metropolitan Police Department that the  
10 investigation into the affidavits, the falsification  
11 of affidavits in support of search warrants, would be  
12 terminated if you resigned?

13 MR. SHOLTZ: Objection. Argumentative. Go  
14 ahead.

15 A. I was told that --

16 Q. (By Mr. Dowd) Was that -- did anybody ever  
17 tell you that?

18 MR. SHOLTZ: Same objection.

19 Q. (By Mr. Dowd) Are you denying that they  
20 told you that?

21 MR. SHOLTZ: Same objection.

22 A. John Hayden, he practically begged me to  
23 retire. He said, "We don't have nothing on you.  
24 Jennifer Joyce don't have nothing on you."

25 Q. (By Mr. Dowd) Okay. So you're telling us

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1 -- your testimony here today is that nobody ever told  
2 you "If you resign we will terminate this  
3 investigation into your false affidavits"?

4 MR. SHOLTZ: Objection. Argumentative.  
5 Assumes facts not in evidence. Legal conclusion.  
6 Relevance.

7 Q. (By Mr. Dowd) Nobody ever told you that?

8 MR. SHOLTZ: Same objections.

9 A. I don't recall. Only thing I recall is him  
10 telling me --

11 Q. (By Mr. Dowd) The answer's no, you don't  
12 remember anybody ever telling you that?

13 MR. SHOLTZ: Same objections.

14 Q. (By Mr. Dowd) That "If you retire we will  
15 stop our investigation into false affidavits"?

16 MR. SHOLTZ: Same objections.

17 A. No, sir.

18 Q. (By Mr. Dowd) Why'd you retire?

19 A. Well, first of all, whoever was leaking that  
20 stuff to the Post-Dispatch was giving out bad  
21 information and they put my name in the paper 13  
22 times. They had criminals in there that committed  
23 crime with more times -- less times in the paper than  
24 me. How could I go out here and be a police officer  
25 again with all this -- nothing.

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1 Q. So is it your testimony that you never used  
2 old affidavits and just changed the names and the  
3 dates and the locations?

4 A. No. You had to change everything other than  
5 that. You had to change the description of the guy.

6 Q. Okay. So that's your testimony, that you  
7 never used the same information other than the  
8 address, the name, and the dates on the affidavits?

9 A. Description of the guy, description of the  
10 building, how many times, what you saw --

11 Q. Mr. Sharp --

12 A. -- during the surveillance.

13 Q. We can talk about that but the question is:  
14 Is it your testimony that you never used affidavits,  
15 old affidavits, and just changed the name of the  
16 individual, the location, and the dates?

17 A. Sir, I provided everything with Jennifer  
18 Joyce office required and the search warrant  
19 affidavit, the surveillance of the residence,  
20 description of the guy, description of the house, and  
21 how many days -- the three days of surveillance.

22 Q. So you never used the same search warrant --

23 A. How could I?

24 Q. -- affidavit and only changed those three  
25 items?

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1 MR. SHOLTZ: Objection.

2 Q. (By Mr. Dowd) That's the question.

3 MR. SHOLTZ: Objection. Argumentative.

4 MR. DOWD: And I'm gonna answer it -- I'm  
5 gonna ask it till I get an answer.

6 MR. SHOLTZ: He's given you an answer. Same  
7 objections. Badgering.

8 A. Whatever Jennifer Joyce office required I  
9 put in the --

10 Q. (By Mr. Dowd) If you want to just say "no,"  
11 that's fine if that's your answer.

12 Did you ever use the same information in  
13 affidavits and only change the name of the individual,  
14 the location, and the date?

15 A. If I had the same informant, which they  
16 found out I did, why would I change that?

17 Q. Because there's a lot more information in  
18 the affidavit than those three items.

19 A. What's the other stuff? What's the other  
20 items?

21 Q. Well, there's a lot of other items that  
22 you're supposed to include in an affidavit; correct?

23 A. Which I did. They were signed by  
24 attorney --

25 Q. Is the answer --

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1 A. -- and signed by a judge.

2 Q. -- no, that you never did that? You never  
3 used the same affidavits and just changed the name,  
4 the location, and the date?

5 MR. SHOLTZ: Objection. Argumentative.  
6 Asked and answered.

7 Q. (By Mr. Dowd) You're telling me no. Is  
8 that your answer?

9 MR. SHOLTZ: Same objections.

10 Q. (By Mr. Dowd) You never did that?

11 A. No.

12 Q. Thank you. Do you remember a complaint by  
13 Vernita Bruce from January 3rd of 2000?

14 A. Yes, sir.

15 Q. Okay. And what was that complaint?

16 A. She said I took some money from her.

17 Q. Do you remember how much?

18 A. No, sir.

19 Q. If your IAD file stated that it was \$1500  
20 taken from her and only 20 returned, does that --

21 A. That's what she said, yes, sir.

22 Q. Okay. And that complaint was sustained?

23 MR. SHOLTZ: Objection. Misstates facts.  
24 Assumes facts not in evidence. Foundation.  
25 Argumentative.

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1 MR. HOELL: Join.

2 Q. (By Mr. Dowd) Do you remember that  
3 complaint being sustained?

4 MR. SHOLTZ: Same objections.

5 Q. (By Mr. Dowd) It's just a simple question.  
6 Do you remember that complaint being sustained?

7 MR. SHOLTZ: Same objections.

8 A. They sustained it for me not getting a  
9 written proper receipt from her after I returned the  
10 money to her.

11 Q. (By Mr. Dowd) You did return the \$1500?

12 A. Yes, sir.

13 Q. Where was it?

14 A. Where was it?

15 Q. Yeah. When she was saying she didn't get it  
16 back.

17 A. I don't know where it was.

18 Q. I'm sorry?

19 A. I don't know where it was.

20 Q. But she didn't get it back when she was  
21 released; correct?

22 MR. SHOLTZ: Argumentative. Misstates  
23 facts. Assumes facts not in evidence.

24 Q. (By Mr. Dowd) If you remember.

25 MR. SHOLTZ: Same objections.

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1 Q. (By Mr. Dowd) That's why she filed the  
2 complaint?

3 MR. SHOLTZ: Same objections. Would you  
4 give him a chance to answer?

5 A. She said she didn't get it back.

6 Q. (By Mr. Dowd) Right. And then you --

7 A. They investigate -- huh?

8 Q. And then you gave it back to her once she  
9 filed the complaint?

10 A. No. I gave it back before she filed the  
11 complaint. I locked her brother up twice. Her  
12 brother, I just locked him up for traffic --

13 Q. That's nonresponsive to the question. The  
14 question is did you initially not return the money to  
15 her until a complaint was filed?

16 MR. SHOLTZ: Objection. Argumentative.  
17 Relevance. Misstates facts. Assumes facts not in  
18 evidence.

19 MR. HOELL: Join.

20 MR. RELYS: Asked and answered.

21 Q. (By Mr. Dowd) You can answer.

22 MR. SHOLTZ: Same objection.

23 A. I returned the money to her.

24 Q. (By Mr. Dowd) Do you remember when?

25 A. That day.

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1 way this works is you ask a question, we can object,  
2 and then he answers. Give him a chance to answer  
3 after I object instead of --

4 MR. DOWD: If you'd stop interrupting him  
5 with your silly objections.

6 MR. SHOLTZ: I can sit here and object,  
7 Richard.

8 MR. DOWD: They're silly and you know it.

9 MR. SHOLTZ: Richard, I'm not gonna debate  
10 you. The way it works, you ask a question, I object,  
11 and then he answers.

12 MR. DOWD: Don't tell me how it works.

13 MR. SHOLTZ: I had assumed you would have  
14 learned that by now.

15 MR. DOWD: Don't --

16 Q. (By Mr. Dowd) You can answer.

17 MR. SHOLTZ: Same objections. Go ahead.

18 A. I'm not sure. I thought we had. I'm not  
19 sure.

20 Q. (By Mr. Dowd) You don't specifically  
21 remember --

22 A. No, sir, I don't.

23 Q. -- ever getting any? Do you know an Officer  
24 William Noonan?

25 A. Yes, sir.

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1 Q. So why did she file a complaint?

2 MR. SHOLTZ: Speculation. Argumentative.  
3 Relevance.

4 MR. HOELL: Join.

5 A. I've had drug dealers say I shot at them.  
6 They filed complaints. They make up lies. They had  
7 sisters go lie, mothers, fathers, cousins.

8 Q. (By Mr. Dowd) Did you ever receive any  
9 ethics training while you were with the St. Louis  
10 Metropolitan Police Department?

11 A. I'm sure I did, yes, sir.

12 Q. When was that?

13 A. I'm not sure of the dates.

14 Q. Do you remember how often?

15 A. I'm not sure, sir.

16 Q. If your personnel file reflects that you  
17 never had any ethics training --

18 A. I never had any?

19 Q. -- would that surprise you?

20 A. I thought we did.

21 MR. SHOLTZ: Objection. Assumes facts not  
22 in evidence. Misstates facts.

23 MR. HOELL: Join.

24 Q. (By Mr. Dowd) That would surprise you?

25 MR. SHOLTZ: Same objections. Richard, the

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1 Q. And where do you know him from? A  
2 particular unit?

3 A. We were assigned to the First District  
4 together.

5 Q. What years were those?

6 A. That was, like I said, '89, '91.

7 Q. Do you know why Officer Noonan left the  
8 department?

9 MR. SHOLTZ: Objection. Relevance.

10 A. Search warrants.

11 Q. (By Mr. Dowd) Did they ever bring him up  
12 when the department was discussing your search  
13 warrants?

14 A. Did they bring him up?

15 Q. Yeah.

16 A. I think so.

17 Q. You think so?

18 A. Like -- I don't understand what you mean,  
19 "bring him up."

20 Q. Did they talk to you about the fact that  
21 Officer Noonan was doing the same thing that you  
22 allegedly did?

23 MR. SHOLTZ: Objection. Argumentative.

24 A. I'm not sure. They wouldn't tell me what  
25 his investigation was.

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<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>85</p> <p>1 Q. (By Mr. Dowd) Did you know that they told 2 him that "If you retire we won't continue this 3 investigation"?</p> <p>4 A. I believe they found him in a lie. They 5 never found me in one and he had to retire.</p> <p>6 Q. What was that lie?</p> <p>7 A. I'm not sure.</p> <p>8 Q. You have no idea?</p> <p>9 A. No. I just heard rumors through the 10 department.</p> <p>11 Q. Who else were you partners with in your 12 career with the St. Louis Metropolitan Police 13 Department?</p> <p>14 A. I'm not sure. What year?</p> <p>15 Q. I'm sorry?</p> <p>16 A. What year?</p> <p>17 Q. I'm just asking you. Doesn't matter what 18 year. Who were your partners?</p> <p>19 A. I don't know.</p> <p>20 Q. That's -- that's pretty important to an 21 officer who their partner is.</p> <p>22 A. The last one was Matthews.</p> <p>23 Q. Okay.</p> <p>24 A. And I'm not sure who it was before that. 25 Lot of times you rode by yourself, one-man cars.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>87</p> <p>1 A. I'm not sure. Like I said, when Mobile was 2 changing over they would switch us up and that's 3 basically it. The other -- like when I was in the 4 district I was mostly by myself, like when I left, but 5 I wasn't there long. I was in Narcotics, I left, then 6 for a few months I was in the Third, then I went to 7 Mobile. When I left Mobile I was in Third again for a 8 few months, then I went to the Seventh.</p> <p>9 Q. Is that -- does that help your recollection 10 as to anybody else that you might have been partners 11 with?</p> <p>12 A. Yeah because like when you're in the 13 district, mostly you're by yourself. Like I said, if 14 they need a two-man car but you're not, per se, 15 partners, you might ride with this guy today and 16 tomorrow you'd be in a one-man car.</p> <p>17 Q. So as you sit here today the ones you 18 remember as your partners are Officer Matthews, 19 Officer Roger Patterson, Officer Allen Ray, and 20 Officer Antoine Gordon?</p> <p>21 A. And I rode with Vincent back in Narcotics.</p> <p>22 Q. How long?</p> <p>23 A. I told you, about five years.</p> <p>24 Q. Anybody else?</p> <p>25 A. I told you earlier --</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>
<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>86</p> <p>1 Q. I understand. But the question is who were 2 you partners with? How long were you partners with 3 Matthews?</p> <p>4 A. I think approximately three years.</p> <p>5 Q. Okay. Who else were you partners with?</p> <p>6 MR. SHOLTZ: Objection. Asked and answered.</p> <p>7 MR. DOWD: Not answered.</p> <p>8 A. Roger Patterson.</p> <p>9 Q. (By Mr. Dowd) How long?</p> <p>10 A. I'm not sure. Year or two years.</p> <p>11 Q. Who else?</p> <p>12 A. Allen Ray.</p> <p>13 Q. How long?</p> <p>14 A. I'm not sure. Year maybe. When we was in 15 Mobile they was switching to hostage-trained and 16 non-hostage-trained --</p> <p>17 Q. Mm-hmm.</p> <p>18 A. -- and I wasn't hostage-trained; so...</p> <p>19 Q. Teamed you up with somebody who was?</p> <p>20 A. Yeah. Different -- different guys.</p> <p>21 Q. Anybody else?</p> <p>22 A. I rode with Antoine Gordon a little while.</p> <p>23 Q. Antoine what?</p> <p>24 A. Gordon.</p> <p>25 Q. How long?</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>88</p> <p>1 Q. I'm just trying to get --</p> <p>2 A. -- Jimmy Smith. Like I said, he was a older 3 guy when I first started.</p> <p>4 Q. Yeah.</p> <p>5 A. I rode with Julius Connors. That was like 6 off and on, like I said, and the best I can recollect 7 that's it. Most of the other time I was -- I was a 8 one-man car.</p> <p>9 Q. Okay. I'm gonna take a quick break. Five 10 minutes.</p> <p>11 MR. DOWD: Any objections?</p> <p>12 MR. RELYS: No objection.</p> <p>13 (A brief recess was had.)</p> <p>14 Q. (By Mr. Dowd) Excuse me. One more Holmes 15 question. You had a lawyer represent you with regard 16 to the investigation of your search warrant 17 affidavits; correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And you maintain that you did nothing wrong 20 but you resigned under -- under internal charges?</p> <p>21 A. No charges. Under -- what is that? -- 22 allegation but they never brought charges because, 23 like I said, I talked to Hayden before I left, Captain 24 Hayden, and --</p> <p>25 Q. Who else was -- who --</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>



<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>89</p> <p>1 A. Who else was present there? Sergeant Von 2 Malottke, Sergeant -- he was white. 3 Q. Is this at that meeting before you resigned? 4 A. Yes. Before I retired. I told Von 5 Malottke, the sergeant, that -- 6 Q. What position was he? 7 A. He was the IAD investigator. 8 Q. Okay. 9 A. I was sitting there four months. I was 10 tired of everything going -- I knew I had done nothing 11 wrong so I asked him could I speak to his superior, 12 and Captain Hayden came in there. 13 Q. Okay. And your lawyer was there? 14 A. Brison, Ken Brison. 15 Q. And you had a discussion with Captain 16 Hayden? 17 A. Yes, sir. 18 Q. And after that discussion you said, "I'm not 19 answering any questions"? 20 A. I never said that. That's a lie. I 21 answered every question they asked. 22 Q. Did you see in the paperwork where they say 23 you refused to answer questions? 24 A. No. 25 Q. You didn't know that?</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>91</p> <p>1 they couldn't prove. I sat there four months for them 2 to prove. 3 Q. What I'm trying to understand is how -- you 4 just said there were -- they didn't charge you until 5 April. 6 A. They didn't charge me -- well, I mean they 7 didn't tell me about why I was there, the allegation, 8 until April. I was never charged with anything. 9 Q. And nobody ever told you that if you -- if 10 you retire we will halt any investigation? 11 A. No. I was talking to Hayden. Hayden was 12 trying to be my buddy. He said, "Hey, Shell, man, go 13 ahead and retire, man. You can still get your pension 14 plus you could get another job." Like I was doing 15 them a favor. 16 Q. And you did -- you did keep your pension? 17 A. Yes, sir. I was never charged with 18 anything. 19 Q. Were you eligible for re-hire? 20 A. I'm not sure. I got a -- I still got my 21 police certification. 22 Q. Far as you know you weren't eligible for 23 re-hire? 24 MR. SHOLTZ: Objection. Misstates 25 testimony.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>
<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>90</p> <p>1 A. No. That was a lie. They told lies like 2 the newspaper told lies. Every question Von Malottke 3 asked me -- I wrote like four or five different memos. 4 I'm sitting there for four months. Every other week 5 -- they didn't charge me until April. I was taken off 6 the street in February. They didn't charge me with 7 anything until two months later. I sat in 8 communications doing nothing. And that was my 9 accusation, whatever, the search warrants. Once they 10 investigated, they found out who my informant was, 11 they found out everything I told was the truth -- I 12 was tired of going through them putting the newspaper 13 articles in there. My family was in there suffering 14 because I had done nothing wrong and the guys that is 15 out there, when it came to them and I told Hayden, 16 "Let me talk to my lawyer a minute." He told me that 17 Jennifer Joyce was pushing the issue but she said she 18 didn't have no charges on me. So Hayden -- 19 Q. No criminal charges. 20 A. No. 21 Q. You just testified that there were charges 22 within the department. 23 A. There was no charges. It was a allegation. 24 I was never charged with anything. There's a 25 difference from being charged and a allegation that</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>92</p> <p>1 A. I'm not sure. I was never charged with 2 anything. 3 Q. (By Mr. Dowd) Did you file any kind of an 4 appeal? 5 A. I went to the EEOC to file a complaint. I 6 was told there that -- the lady told me that she felt 7 on the basis of my complaint that she wouldn't accept 8 it. She said that Chief Isom was a black male, 9 approximately my age, and Bill Noonan was a white male 10 so she felt that I didn't have a complaint. 11 Q. Complaint based on race? 12 A. Yes. 13 Q. With regard to the arrest of Michael Holmes, 14 did you fingerprint the items seized? 15 MR. SHOLTZ: Objection. Argumentative. 16 Asked and answered. 17 A. I did not. I'm not sure if they were. 18 Q. (By Mr. Dowd) You were the seizing officer; 19 correct? 20 A. Yes, sir, I was. 21 Q. You would have had to request them; right? 22 MR. SHOLTZ: Objection. Legal conclusion. 23 Misstates facts. Go ahead. 24 Q. (By Mr. Dowd) You can answer. 25 A. Not unless the federal prosecutor asked.</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p>

<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>93</p> <p>1 MR. DOWD: Okay. Now I'm going to move on 2 to Jones -- 3 MR. SHOLTZ: I think -- 4 MR. DOWD: -- Stephen Jones. 5 MR. SHOLTZ: So we're ending this transcript 6 and we're gonna start a new one? 7 MR. DOWD: Yeah. 8 MR. SHOLTZ: Do either of you have any 9 questions. 10 MR. RELYS: No questions. 11 MR. HOELL: No questions. 12 MR. SHOLTZ: We'll read. 13 14 (Whereupon, deposition was concluded and 15 will be signed by the witness.) 16 17 18 19 20 21 22 23 24 25</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>95</p> <p>1 propounded by counsel and remarks and objections of 2 counsel thereto, and is in all respects a full, true, 3 correct and complete transcript of the questions 4 propounded to and the answers given by said witness, 5 that signature of the deponent was not waived by 6 agreement of counsel and of witness. 7 I further certify that I am not of counsel or 8 attorney for either of the parties to said suit, not 9 related to nor interested in any of the parties or 10 their attorneys. 11 Witness my hand at St. Louis, Missouri, this 21st 12 day of April 2014. 13 14 15 16 Heather L. Shallow, CCR, RPR, RMR 17 CCR No. 0442 18 19 20 21 22 23 24 25</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>
<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>94</p> <p>1 CERTIFICATE 2 3 I, Heather L. Shallow, Certified Court Reporter 4 within and for the State of Missouri, duly 5 commissioned, qualified and authorized to administer 6 oaths and to certify to depositions, do hereby certify 7 that pursuant to notice/agreement in the cause now 8 pending and undetermined in the United States District 9 Court for the Eastern District of Missouri, to be used 10 in the trial of said cause in said court, I was 11 attended at the State of Missouri Attorney General's 12 Office, 815 Olive Street, Suite 210, in the city of 13 St. Louis, State of Missouri, by the aforesaid 14 witness, and by the aforesaid attorneys, on the 9th 15 day of April 2014. 16 That the said witness, being of sound mind and 17 being by me first carefully examined and duly 18 cautioned and sworn to testify the truth, the whole 19 truth, and nothing but the truth in the case 20 aforesaid, thereupon testified as is shown in the 21 foregoing transcript, said testimony being by me 22 reported in shorthand and caused to be transcribed 23 into typewriting, and that the foregoing pages 24 correctly set forth the testimony of the 25 aforementioned witness, together with the questions</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>	<p>Michael Holmes v. Board of Police Commissioners of the City of St. Louis, et al.</p> <p>Shell Sharp April 9, 2014</p> <p>96</p> <p>1 GorePerry Reporting &amp; Video 2 Monday, April 21, 2014 3 4 Philip Sholtz 5 Assistant Attorney General 6 815 Olive Street, Suite 200 7 St. Louis, MO, 63101 8 Re: Deposition of Shell Sharp 9 Date: Wednesday, April 09, 2014 10 Case: Michael Holmes vs. Board of Police 11 Commissioners of the City of St. Louis, et al. 12 Philip Sholtz 13 Your witness did not waive the right to read and sign 14 his/her deposition in the above referenced matter. 15 Enclosed is the copy of the deposition you ordered, 16 together with errata sheets and additional signature 17 page. Please instruct your witness to read the 18 transcript, list any corrections (including page and 19 line number) on the errata sheets, sign and date the 20 errata sheets and signature page. 21 22 Within 30 days, please return the errata sheets and 23 signature page to our office for further processing. 24 Your prompt cooperation will be appreciated. 25 Sincerely,  Production Department GorePerry Reporting &amp; Video 515 Olive Street St. Louis, MO 63101 (314) 241-6750</p> <p>Gore Perry Reporting and Video 314-241-6750 www.goreperry.com</p> <p>FAX 314-241-6750</p>

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1 Upon delivery of transcripts, the above  
2 charges had not been paid. It is anticipated  
3 that all charges will be paid in the normal course  
4 of business.

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9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_

11 Commission expires

12

13 \_\_\_\_\_  
Notary Public

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